

REMARKS

Status of the Claims

Claims 1-33 are presently pending in this application, however, claims 19-33 are withdrawn from consideration. Remaining claims 1-18 stand rejected. Reconsideration is respectfully requested.

Amendments to the Claims

Claim 1 is amended to include the limitations of claim 4, which is now cancelled. Claims 5 and 7 are amended to depend from claim 1 rather than cancelled claim 4. Claim 11 is amended to correct grammatical errors and to recite a “device” instead of a “method.” Applicants also cancel withdrawn claims 19-33. Applicants reserve the right to pursue these claims in a divisional application. No new matter is added.

Drawings

As requested by the Examiner, formal drawings were filed on August 10, 2007.

Claim Rejections

Independent claim 1 recites a device having an elongate member with proximal and distal ends and an inner lumen extending therebetween. The inner lumen is adapted to receive a guidewire. Claim 1 also recites a cutting element disposed proximal to the distal end of the elongate member. The cutting element is substantially wedge-shaped and extends distally outward from the elongate member. As explained below, none of the cited references teach or even suggest a wedge-shaped cutting element disposed proximal to a distal end of an elongate member and extending distally outward from the elongate member. Accordingly, independent claim 1 and its dependent claims 2-3 and 5-18 represent allowable subject matter.

The Scholl Patent

Claims 1-2 and 4-15 are rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,110,175 of Scholl ("Scholl"). Applicant respectfully disagrees.

Scholl discloses a chisel (10) for removing a section of bone. The chisel (10) includes a body (12) having proximal and distal ends(14, 16), and a cutting blade (18). The blade (18) is not disposed proximal to the distal end of the body, but rather it forms the distal end. Accordingly, independent claim 1, as well as claims 2 and 5-15 which depend therefrom, distinguish over Scholl and represent allowable subject matter.

The Bryant Patent

Claims 1-2, 5-12, and 14-18 are rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,645,545 of Bryant ("Bryant"). As noted above, claim 1 is amended to include the limitations of claim 4, thereby obviating the basis for this rejection. Accordingly, independent claim 1, as well as claims 2 and 5-12, and 14-18 which depend therefrom, distinguish over Bryant and represent allowable subject matter.

The Weikel Publication

Claims 1-3, 5-8, 12, and 14-17 are rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0032447 of Weikel ("Weikel"). As noted above, claim 1 is amended to include the limitations of claim 4, thereby obviating the basis for this rejection. Accordingly, independent claim 1, as well as claims 2-3, 5-8, 12, and 14-17 which depend therefrom, distinguish over Weikel and represent allowable subject matter.

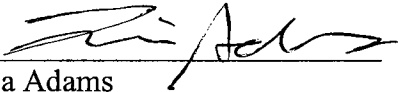
Conclusion

Applicant submits that all claims are in condition for allowance for at least the reasons discussed above, and allowance thereof is respectfully requested. The Examiner is encouraged to

telephone the undersigned attorney for Applicant if such communication is deemed to expedite prosecution of this application.

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Respectfully submitted,

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